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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,613	03/08/2001	Leland James Wiesehuegel	AUS920010024US1	5323

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Robert H. Frantz
P.O. Box 23324
Oklahoma City, OK 73123-2334

EXAMINER

GART, MATTHEW S

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/801,613

Applicant(s)

WIESEHUEGEL ET AL.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Claims 1-23 are pending in the instant application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by
Goodwin U.S. Patent Application Publication US 2002/0059131.**

Referring to claim 1. Goodwin discloses a method for preparing and presenting entitled offerings to guest participants in online offerings a auctions, said guest participants including guest brokers, bidders, buyers and traders, said method comprising the steps of:

- Providing a profile for each guest in a computer-readable record (Fig. 2, User Profiles”), each profile containing one or more entitlement definitions (paragraph 0125) indicating allowable items which a guest may receive information but for

which is "read-only" and is to be restricted from placing bids (paragraph 0110 to paragraph 0111), said entitlement definitions being determined by and controlled by a contract between an offeror and a guest auction participant such that said guest auction participant is prevented from modifying the entitlement schema;

- Preparing one or more entitled offerings through filtering an available items list according to said profiles such that said prepared entitled offerings include only offerings for one or more items to which a guest is allowed offers as defined by the guest's entitlement definitions (paragraph 0125); and
- Presenting via a computer user interface said entitled offerings to one or more guests such that each guest may review his or her entitled offerings (Fig. 3 and paragraph 0061).

Referring to claim 2. Goodwin discloses a method wherein said step of providing a profile with entitlement definitions comprises providing an item category parameter within said entitlement definitions (paragraph 0144).

Referring to claim 3. Goodwin discloses a method wherein said step of providing a profile with entitlement definitions comprises providing a guest location parameter within said entitlement definitions (paragraph 0110 to paragraph 0111).

Referring to claim 4. Goodwin discloses a method wherein said step of preparing one or more entitled offerings comprises removing items from said available items list which are unmatched by a category parameter within a guest's entitlement definition to produce a minimized list of items for which a guest is entitled to receive offerings (paragraph 0125).

Referring to claim 5. Goodwin discloses a method wherein said step of preparing one or more entitled offers comprises removing items from said available items list which are unmatched by a guest's location parameter within an entitlement definition to produce a minimized list of items for which a guest is entitled to receive offerings (Table 1, "Search for financial product by: Geographic Location...").

Referring to claim 6. Goodwin discloses a method wherein said step of presenting via a computer user interface said entitled offerings to one or more guests comprises presenting said entitled offerings via a web browser user interface (Fig. 3 and paragraph 0061).

Referring to claim 7. Goodwin discloses a method comprising disabling and restricting bid attempts from said guest for items that are indicated as "read-only" in the guest's profile (paragraph 0110 to paragraph 0111).

Referring to claim 8. Goodwin discloses a method comprising enabling bid attempts from said guest for items that are indicated as "entitled" in the guest's profile (paragraph 0125).

Referring to claims 9-16. Claims 9-16 are rejected under the same rationale as set forth above in claims 1-8.

Referring to claim 17. Goodwin discloses an offering system in a computer network for preparing and presenting entitled offerings to guests of online offer and auction systems, said guests including brokers, buyers, bidders and traders, said computer network enabling communications between said online offer system and guest consoles, said offering system comprising:

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- A database containing entitled sales offerings, said database accessible and queriable by network application servers (paragraph 0125 and paragraph 0110 to paragraph 0111);
- An entitled offering preparation server for preparing entitled offerings through filtering lists of available items against guest entitlement parameters to produce entitled offerings including one or more items to which a guest is entitled to receive information and for which a guest is restricted to bid, said entitlement parameters being determined by and controlled by a contract between an offeror and a guest auction participant such that said guest auction participant is prevented from modifying the entitlement schema, and for storing entitled sales offerings in said database (paragraph 0125 and paragraph 0110 to paragraph 0111); and
- A network application server for providing sales offerings to guest console computers (Fig. 2).

Referring to claim 18. Goodwin discloses an offering system wherein said network application server is an Internet server (abstract).

Referring to claim 19. Goodwin discloses an offering system wherein said network application server is a Hyper Text Transfer Protocol (HTTP) server (paragraph 0052).

Referring to claim 20. Goodwin discloses an offering system wherein said network application server is a secure Hyper Text Transfer Protocol (HTTPS) server (paragraph 0052).

Referring to claim 21. Goodwin discloses an offering system wherein said network application server is adapted for communications with guest console computers that are web browser devices (abstract).

Referring to claim 22. Claim 22 is rejected under the same rationale as set forth above in claims 1-8.

Referring to claim 23. Claim 23 is rejected under the same rationale as set forth above in claims 1-8.

Response to Arguments

Applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive.

The Attorney argues that Goodwin does not disclose an entitlement schema determined by a contractual relationship between the offeror and a participant.

The Examiner notes, a contract can be defined as an agreement between two or more parties. In the method defined by Goodwin, Goodwin provides one or more forms to the seller, such as pricing forms, so that the seller can provide the system with some of the information needed to compute a price for the financial product. In one embodiment, the system stores a profile of the seller, such that portions of the forms can be "filled out" by the system in advance. The profile of a seller, in one embodiment, also stores other information provided by a seller, such as preferences, criteria for accepting bids, restrictions on bids (e.g., certain users may be prohibited from bidding), restrictions on access to information (bidders may be required to sign on and/or

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acknowledge specific conditions before receiving information), specification of type of bidding to occur (e.g., type of auction), permission for the system to accept bids on behalf of the user, etc (paragraph 0111). All of this information is stored via the Debt Management System **30** (as shown in Figure 3). If a buyer wants to participate in a transaction with a seller, they are obligated to bid according to the seller-defined profile. Once the buyer determines to participate, he/she is agreeing to a contractual relationship. Provisional Application 60/224240 has support for this material (at least Table 1).

Conclusion

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

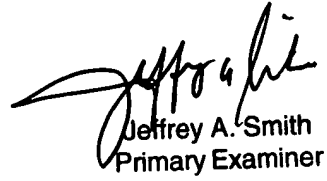
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MSG

June 21, 2004



Jeffrey A. Smith
Primary Examiner